

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OTHUMAN NTALE, )  
Plaintiff, )  
 ) Civ. Action No. 19-11046-NMG  
v. )  
 )  
MAURA HEALEY, et al., )  
Defendants. )

**ORDER**

September 12, 2019

**GORTON, J.**

On September 9, 2019, plaintiff was granted leave to proceed in forma pauperis. See Docket No. 6. At that time, plaintiff was advised that his complaint is subject to dismissal and he was granted twenty-one days to file an amended complaint. Id. The following day, on September 10, 2019, plaintiff filed his request to dismiss the case. See Docket No. 7.

Plaintiff's request will be treated as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41. Rule 41 permits a plaintiff to dismiss an action without a court order where the plaintiff files a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i).

Here, defendants have not answered the complaint nor filed a motion for summary judgment. Thus, plaintiff has the right to

voluntarily dismiss this suit without prejudice pursuant to Rule 41(a)(1)(A)(i).

In light of the plaintiff's voluntary withdrawal of this action, the instant action is dismissed without prejudice.

So ordered.

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated: September 12, 2019